

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

JOINT MOTION FOR ENTRY OF
AGREED ORDER GOVERNING MOTIONS TO DISMISS AND BRIEFING

Come now Plaintiffs, by and through counsel, Defendant John Witsell, by and through counsel, and Defendants Robert Hammer, David Vicente Pena, Francisco Ayala, Billy Riggins, Anthony Martin, Matthew Grooms, Jerrol Partin, Theodore Francisco, Travis Carrier, Trevor Christensen, Glen Blache, Brenda Dickson, George Nalley, Clint Cantrell, Ricky Thornburgh, Jonathan Hendrix, Ryan Hubbard, Wayne Dickey, James Liles, Michael Perez, Keith Hale, Dennis Fetting, Deni Bukvic, Kashif Chowhan, Blake Diamond, Paul Criswell, Jeffery Klinko, Jeffery Schroder, David Lodge, Wayne Hinkle, Connie Stephens, Tommy Pannell, Shannon Hope, Troy McCarter, Bradley Harris, Joshua McCready, Ronald Appel, Bobby Smith, Robert Whited, Trey Lund, Michelle Evans, Wesley Anthony, Steven Ledgerwood, Francis Coker, Christopher Cannon, John Heishman, Aunrae Navarre, Ricky Smith, Matthew Moon, Jason Miller, Jeff Bednar, Austin Williams, Nick Worsham, and the United States of America, by and through J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, (collectively “Parties”), pursuant to the Court’s Order dated June 14, 2019 (Doc. 176), and

announce they have reached the following agreement and move the Court to adopt the Parties' agreement as follows:

1. All Defendants, other than Defendant Witsell, shall file their responses to the Third Amended Complaint, which will be in the form of motions to dismiss, pursuant to Fed. R. Civ. P. 12, on or before October 4, 2019;
2. Defendant Witsell shall file his response to the Third Amended Complaint on or before October 25, 2019;
3. Plaintiffs shall have up to and including November 22, 2019, in which to respond to the motions to dismiss;
4. All Defendants, including Defendant Witsell if he files a motion to dismiss, shall have up to and including December 20, 2019, in which to present their final reply; and
5. Briefs shall not exceed fifty (50) pages in length.

The Parties submit that the proposed briefing schedule allows sufficient time to brief the issues presented by the Third Amended Complaint that are likely to be addressed in the motions to dismiss. At the same time, the proposed briefing schedule does not extend the period for briefing unnecessarily, nor does it encourage undue delay. Further, by increasing the page limitation for briefs from twenty-five (25) to fifty (50) pages, the Parties will be able to combine a number of the motions and briefs to cover multiple litigants and, thereby, avoid presenting independent briefs on behalf of each of the litigants in this case. The Parties have also discussed the Court's Order Governing Motions to Dismiss dated February 26, 2019 (Doc. 14) and agree that the issues likely to be presented in the motions to dismiss cannot be cured by a permissible amendment.

In sum, the Parties submit that there is good cause for entering the proposed Agreed Order Governing Motions to Dismiss and Briefing. The Parties move the Court to enter the proposed Agreed Order Governing Motions to Dismiss and Briefing and for any additional or alternative relief that the Court may deem appropriate.

Respectfully submitted,

Signature pages follow.

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